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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

FEDERAL TRADE COMMISSION, STATE
OF ARIZONA, STATE OF CALIFORNIA,
DISTRICT OF COLUMBIA, STATE OF
ILLINOIS, STATE OF MARYLAND, STATE
OF NEVADA, STATE OF NEW MEXICO,
STATE OF OREGON, and STATE OF
WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347-AN

DECLARATION OF LUNA N.
BARRINGTON IN SUPPORT OF
DEFENDANTS THE KROGER
COMPANY'S AND ALBERTSONS
COMPANIES, INC.'S MOTION TO
COMPEL

I, Luna N. Barrington, declare as follows:

1. I am an attorney at the law firm of Weil, Gotshal & Manges LLP. I am over the age of 18 and counsel of record for Defendant The Kroger Company in the above-captioned proceeding. I make this declaration based on personal knowledge. I make this declaration in support of Defendants The Kroger Company's and Albertsons Companies, Inc.'s Motion to Compel.

2. Attached hereto as Exhibit 1 is a true and correct copy of Defendants' First Set of Interrogatories to Plaintiffs, served on Plaintiffs in the above-captioned proceeding on April 26, 2024.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from Plaintiffs' Objections and Responses to Defendants' First Set of Interrogatories, served on Defendants in the above-captioned proceeding on May 10, 2024.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the transcript of a hearing that occurred on May 13, 2024, in the proceeding captioned *FTC v. Tapestry Inc.*, Case No. 24-cv-3109 in the Southern District of New York, ordered and received from Southern District Court Reporters, P.C.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 19th day of May, 2024, in New York, New York.

s/ Luna N. Barrington
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